



# Stalking & Harassment Policy

Policy summary:	<i>Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs' Council and the Crown Prosecution Service</i>			
Policy number:	017/2020			
Version control:	<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Rationale</b>
	1.1	June 2016	TDI [REDACTED]	New Stalking and Harassment policy
	2	June 2020	DI [REDACTED]	Update on policy
Date implemented:	21/08/20			
Review date:	21/08/22			
Owner/contact: (approved by Strategic Vulnerability Board)	Vulnerability Hub			
Consultation and approval	DCI [REDACTED]			
Welsh Translation	Yes	✓	No	



## 1. Statement of Policy

The purpose of this policy is to provide procedural guidance in accordance with national guidance and best practice in order to set minimum standards when investigating offences of Stalking and Harassment through to trial. The Dyfed-Powys policy will wholly reflect the “Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs’ Council and the Crown Prosecution Service” (CPS). Operational guidance will be provided in the “Dyfed-Powys police process” guide held on the force intranet site under the Offender Management department.

From this policy officers should be able to:

- To achieve improved and consistent performance in the identification, investigation and prosecution of stalking or harassment cases;
- Ensure a robust and appropriate criminal justice response to stalking or harassment;
- Establish early and effective liaison between the police and CPS in stalking cases;
- To improve the service to victims of stalking or harassment;
- Increase public confidence more widely in the ability of the Criminal Justice System (CJS) to deal with stalking or harassment cases; and
- To reflect the College of Policing’s Authorised Professional Practice and CPS policy.

This policy applies (but not limited) to all categories of Dyfed Powys Police employees, whether full-time, part-time, permanent, fixed term, temporary (including agency staff, associates and contractors) or seconded staff. Any employee accessing and using Force assets and property must have due regard to the contents of this policy.

## 2. Policy Scope

The commitment to end stalking and harassment is embedded in the cross-government Ending Violence against Women and Girls (VAWG) Strategy: 2016 to 2020. The strategy is underpinned by effective partnership working at both a local and national level. The successful prosecution of these cases and safeguarding of those



victims involved relies on strong and collaborative partnership working between the police and prosecutors.

The VAWG approach recognises that victims of stalking are disproportionately female. The approach acknowledges VAWG as a fundamental abuse of human rights and women's rights. The UK government has signed and ratified the United Nation's call to all states to prevent and respond to violence against women. The police and CPS are committed to all victims of crimes grouped together as 'VAWG' and to that end, are inclusive in their approach. All VAWG policies are applied fairly and equitably to all suspects and victims of crime – irrespective of their gender. The CPS Public Statement on male victims is relevant to this Protocol.

Chief Constables have overall responsibility for the investigation of alleged criminal activity in their individual force area.

The CPS is the principal prosecuting authority dealing with criminal prosecutions in England and Wales. The CPS is fully committed to prosecuting fairly and effectively all those who carry out harassment or stalking behaviour.

The safety of victims is paramount. Failure to identify and robustly deal with harassment or stalking behaviour at the earliest opportunity allows suspects to continue their behaviour. This may leave victims exposed to escalating risk, including sexual assault and homicide. The risks to victims must therefore be carefully considered in these cases. This is not only in respect to the direct risk from the suspects to the victims, but also in regard to anyone connected to victims, such as their children and dependents, family members and friends.

### **3. Powers and Policy/Legal Requirements**

This document sets out the principles governing the investigation and prosecution under sections 2, 2A, 4 and 4A of the Protection from Harassment Act 1997 (PHA 1997) and covers all forms of harassment or stalking.



**EQUALITY IMPACT ASSESSMENT**

Section 4 of the Equality Act 2010 sets out the **protected characteristics** that qualify for protection under the Act as follows: Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; Sexual Orientation.

The **public sector equality duty** places a proactive legal requirement on public bodies to have regard, in the exercise of their functions, to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is unlawful under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The equality duty applies to all protected characteristics with the exception of Marriage and Civil Partnership, to which only the duty to have regard to the need to eliminate discrimination applies.

Carrying out an **equality impact assessment** involves systematically assessing the likely or actual effects of policies on people in respect of all the protected characteristics set out above.

An equality impact assessment should be carried out on any policy that is **relevant** to the public sector equality duty. An equality impact assessment template is available [here](#). A welsh version of the equality impact assessment template is also available [here](#). Guidance on how to complete the template can be found on the diversity intranet page.

<b>Equality Impact Assessment Completed</b>	
<b>Name:</b>	DI [REDACTED]
<b>Department:</b>	Vulnerability Hub
<b>Signed:</b>	[REDACTED]
<b>Date:</b>	21/08/20



**HUMAN RIGHTS ACT**

**CERTIFICATE OF COMPLIANCE**

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its content and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

<b>Name:</b>	██████████
<b>Department:</b>	Legal Services
<b>Signed:</b>	██████████
<b>Date:</b>	24 <sup>th</sup> August 2020

## 4. Options and Contingencies

Policy Owner: The policy will be owned by the Head of Protecting Vulnerable People and will be monitored regularly by the Vulnerability Hub for:

- Its effectiveness
- Any changes to HO rules and NPCC guidance
- Changes in policy
- Any identified inefficiencies in relation to implementation

**Approval Process:** Approval decisions regarding the implementation of this policy will be made by the Head of Protecting Vulnerable People and the Strategic Vulnerability Group.

The force policy fully reflects the national “Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs’ Council and the Crown Prosecution Service” and operational guidance will be held on the Dyfed-Powys police intranet site.

**The following Code of Ethics principles apply:**

**OFFICIAL**



- Accountability – We will be answerable for the decisions, actions and omissions made in relation to the application of this policy.
- Fairness – This policy will be implemented regardless of race, religion, sexual orientation, disability or gender.
- Honesty – We will apply the contents of this policy with honesty to maintain the trust of the community we serve.
- Integrity – We will apply this policy ensuring we are striving to do the best we can for victims of Stalking and Harassment.
- Objectivity – The application of this policy will be based upon evidence and best professional judgement.
- Openness – We will be open and transparent in our actions and decisions.
- Respect – We will treat all members of the community with respect.
- Selflessness – We will act selflessly in the best public interest.

**CERTIFICATE OF COMPLIANCE**

This policy has been drafted in accordance with the Code of Ethics and has been reviewed on the basis of its content and the supporting evidence and it is deemed compliant with that Code and the principles underpinning it.

<b>Name:</b>	DI [REDACTED]
<b>Department:</b>	Vulnerability Hub
<b>Signed:</b>	[REDACTED]
<b>Date:</b>	19/06/2020



## 5. Take action and review

Stalking and Harassment investigations will be reviewed regularly. All STORM calls relating to Stalking and Harassment will be reviewed “live time” by officers on the Vulnerability Desk to ensure offences are identified and investigated in the first instance.

STORM messages are reviewed prior to closure by the Secondary Risk Assessment Unit (SRAU) and missing offences will be highlighted and recorded.

Checks on investigation standards are conducted by a duty Sergeant, territory Inspector and will be subject to BCU Performance meetings held monthly.

The Multi-Agency Risk Assessment Conference (MARAC) unit conduct monthly victim’s surveys for feedback and this is reported into the MARAC Steering group and the VAWDASV regional board quarterly.

Complaints made by members of the public to the Professional Standards Department in relation to Stalking and Harassment for enforcement will be assessed against the Stalking and Harassment policy.

### Freedom of Information Act 2000

Section 19 of the Freedom of Information Act 2000 places a requirement upon the Force to publish all policies on the Force website. Policies are why we do things and procedures are how we do them. A case-by-case review of procedures must be undertaken to protect law enforcement and health and safety considerations. Where a combined policy and procedure document is being produced the Force is legally required to publish the policy section and assess the procedure part to ensure no sensitive information is published. Generally the default position shall be that a policy and accompanying procedure document will be produced separately.

There is a requirement therefore to review this document to establish its suitability for publication. Please identify below whether the document is suitable for publication in its entirety or not. Where it is believed that disclosure will be harmful please articulate the harm that publication would cause and highlight the relevant sections within the document. Where it is perceived that there is harm in disclosure the document should be forwarded to the Disclosure Unit for review.



**Suitability for publication**

Suitability for publication	Yes/No	Date	Signature
Document is suitable for publication in its entirety	Yes	17/01/21	██████████
Document is suitable for publication in part, I have identified those sections which I believe are not suitable for disclosure and have articulated below the harm which would be caused by publication.			
<b>Harm – in publication</b>			

**FOI review – to be completed by Disclosure Unit**

(Only required if author believes there is any harm in disclosure)

Suitability for publication	Yes/No	Date	FOI Decision Maker
Document is suitable for publication in its entirety			
Document is suitable for disclosure in part and relevant redactions have been applied. A public facing version has been created.			
Once review has been undertaken FOI Disclosure Officer to return document to policy author and following sign-off document to be published within Force Publication Scheme. Any future changes to the document should be brought to the attention of the Disclosure Unit, as appropriate.			